

34. (NEW) The closure and container combination of Claim 33 wherein said means for sealing is one of threaded and snap-on attachment means.

35. (NEW) The closure and container combination of Claim 33 wherein said headspace-displacing member includes a headspace-commodity-shift member that shifts a portion of the commodity.

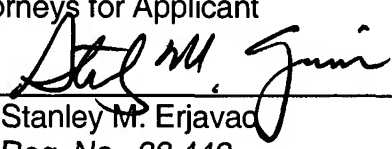
### **REMARKS**

Claims 16-31 remain pending in the application. Claims 1-15 have been cancelled without prejudice or disclaimer of the subject matter contained therein as Applicant may wish to pursue the subject matter of these claims in future applications. New Claims 32-35 have been added for consideration.

Applicant believes that the above amendments place the application in condition for allowance and favorable consideration of this application is respectfully requested. Should the Examiner have any questions regarding the present application, he/she should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,  
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## ATTACHMENT FOR SPECIFICATION AMENDMENTS

The following is a marked-up version of the amendments to the title, specification paragraphs and abstract section in which underlines indicate insertions and brackets indicate deletions.

The Title [METHOD AND CLOSURE AND CONTAINER COMBINATION FOR REDUCING HEADSPACE GAS] has been amended to read CLOSURE AND CONTAINER COMBINATION FOR REDUCING HEADSPACE GAS.

On page 1, immediately before "TECHNICAL FIELD OF THE INVENTION", please insert the following:

This application is a divisional application of U.S. Serial No. 10/023,303, filed on December 18, 2001, pending.

**[0013]** Those skilled in the art are aware of several container manufacturing heat-set processes for improving package heat-resistant performance. In the case of the polyester, polyethylene terephthalate, for example, the heat-setting process generally involves relieving stresses created in the container during its manufacture and to improve crystalline structure. Typically, a polyethylene terephthalate container intended for a cold-fill carbonated beverage has higher internal stresses and less crystalline molecular structure than a container intended for a hot-fill, pasteurized, or retort product application. Advanced heat-set approaches include processes disclosed in [U.S. patent application serial numbers 09/395,708; 09/607,817; and 09/609,306,] U.S. Patent Nos. 6,485,669 and 6,514,451, and U.S. patent application serial number 09/607,817, which are incorporated herein by reference.

In the Abstract:

A [method and] closure and container combination for packaging and sealing a commodity in a container that reduces headspace gases, in particular oxygen, allowing the packaged commodity to have a longer shelf life. [The method is also useful for reducing stresses on containers that undergo filling at an elevated temperature and/or require in-container pasteurization or retort processes after fill and seal.]